

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the Matter of)

Policies and Rules Implementing)
the Telephone Disclosure and)
Dispute Resolution Act)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CC Docket NO. 93-22
RM-7990

Petition for Limited Reconsideration

MCI Telecommunications Corporation (MCI), pursuant to Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, hereby requests that the Commission reconsider, to the limited extent described herein, Section 64.1510(b) of its Rules, 47 C.F.R. § 64.1510(b), adopted in the Commission's Order^{1/} in the above-captioned proceeding. That rule goes beyond the intent of the Telephone Disclosure and Dispute Resolution Act (TDDRA), is not necessary to protect the public interest, and thus imposes needless burdens and costs upon carriers.

Section 64.1510(b) states that common carriers offering billing and collection services to an entity providing interstate information services pursuant to a presubscription or comparable arrangement "shall, to the extent possible, display the billing information [required for pay per-call charges] in the manner described in paragraphs (a)(2)(i)-(ii) of this section." Paragraph (a)(2)(i) requires that bills to telephone subscribers that

^{1/} Report and Order, CC Docket NO. 93-22, RM-7990, FCC 93-349, August 13, 1993 (Order).

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include charges for interstate pay-per-call services include four statements concerning such charges, and paragraph (a)(2)(ii) requires that the charges for pay-per-call services be displayed separate from local and long distance telephone charges.

It is neither appropriate nor necessary for the Commission to seek to apply these pay-per-call requirements to 800 information services. Congress clearly did not intend that TDDRA apply to 800 information services because they can only be offered pursuant to a presubscription or comparable arrangement, which removes them from the definition of pay-per-call. Congress concluded that TDDRA did not need to apply to such services because consumers would be fully informed about the services before calls were placed as a result of their presubscription arrangements. The Commission acknowledged Congress's intent when it refused to extend most TDDRA requirements to 800 information services. Thus, the Commission declined to require a preamble for 800 number information services charged to a credit or charge card because "the legislative history of the TDDRA indicates that Congress did not intend to subject credit or charge card transactions to the requirements of the TDDRA." Order at ¶ 34.

Moreover, it is clear that the TDDRA requirements are not necessary to protect consumers of 800 information services since such services only can be offered pursuant to

presubscription or comparable arrangements. Under the Commission's Rules, to establish a presubscription arrangement, the service provider, among other things, must disclose "all material terms and conditions associated with the use of the service." If "presubscription" is accomplished via the use of a credit card, the transaction must be subject to the dispute resolution procedures of the Truth in Lending Act and Fair Credit Billing Act. Thus, consumers are adequately protected with respect to 800 information services and it is unnecessary and duplicative to require carriers to provide the specific disclosures in Section 64.1510(b) in every billing invoice when similar disclosures are required as part of the presubscription arrangement.

Finally, the costs of compliance would be significant and would far exceed any benefit achieved. To comply with this section carriers would have to modify the billing format and possibly even add a page to the bill to accommodate the additional statements that must be included. Any change to the bill is extremely costly and time consuming to implement. In light of the protections already afforded in connection with information programs provided via presubscription arrangements, it is unreasonable to require carriers to incur such expense.

At a minimum, the Commission should reconsider and eliminate the requirement that carriers inform users of 800

information services that "900 number blocking is available upon request." See, Section 64.1510(a)(2)(i)(c). This statement, on its face, is not relevant to the use of 800 services and it likely would serve only to confuse consumers.

Based on the foregoing, MCI respectfully requests that the Commission reconsider its Order as discussed herein.

Respectfully submitted,

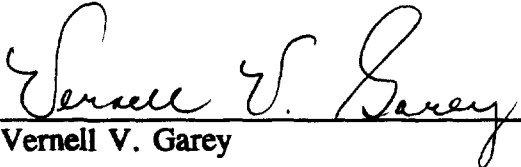
MCI TELECOMMUNICATIONS CORPORATION

By: Mary J. Sisak
Mary J. Sisak
Donald J. Elardo
1801 Pennsylvania Ave., N.W.
Washington, D.C. 20006
(202) 887-2372

Dated: September 24, 1993

CERTIFICATE OF SERVICE

I, Vernell V. Garey, do hereby certify that on this 24th day of September, 1993, copies of the foregoing "**Petition for Limited Reconsideration**" in the Matter of Policies and Rules Implementing the Telephone Disclosure and Dispute Resolution Act in CC Docket No. 93-22, RM-7990 were served by first-class mail, postage prepaid, upon the parties listed on the following attachment.


Vernell V. Garey

James H. Evans, Attorney General
Dennis Wright, Assistant Attorney General
THE STATE OF ALABAMA
11 S. Union Street
Montgomery, AL 36130

Grant Woods, Attorney General
Noreen R. Matts, Assistant Attorney General
THE STATE OF ARIZONA
402 W. Congress, Suite 315
Tucson, AZ 85745

Winston Bryant, Attorney General
Kay G. DeWitt, Deputy Attorney General
THE STATE OF ARKANSAS
200 Tower Building
323 Center Street
Little Rock, AR 72201

Richard Blumenthal, Attorney General
Neil G. Fishman, Assistant Attorney General
THE STATE OF CONNECTICUT
110 Sherman Street
Hartford, CT 06105

Robert A. Butterworth, Attorney General
Mike Twomey, Assistant Attorney General
THE STATE OF FLORIDA
Room 1601, The Capitol
Tallahassee, FL 32399-1050

Larry Echohawk, Attorney General
Brett DeLange, Deputy Attorney General
THE STATE OF IDAHO
State House, Room 113A
Boise, ID 83706

Roland W. Burris, Attorney General
Ralph E. Williams, Assistant Attorney General
THE STATE OF ILLINOIS
500 S. Second Street
Springfield, IL 62706

Linley E. Pearson, Attorney General
Steven A. Taterka, Deputy Attorney General
THE STATE OF INDIANA
219 State House
Indianapolis, IN 46204

Bonnie J. Campbell, Attorney General
Pamela Griebel, Assistant Attorney General
THE STATE OF IOWA
Hoover Building, 2nd Floor
Des Moines, IA 50319

Robert T. Stephan, Attorney General
David C. Wetzler, Assistant Attorney General
THE STATE OF KANSAS
Kansas Judicial Center
Topeka, KS 66612

Richard Ieyoub, Attorney General
Tamera A. Rudd, Assistant Attorney General
THE STATE OF LOUISIANA
P.O. Box 94095
Baton Rouge, LA 70125

Michael E. Carpenter, Attorney General
Francis E. Ackerman, Assistant Attorney
General
THE STATE OF MAINE
State House Station 6
Augusta, ME 04333

J. Joseph Curran, Jr., Attorney General
William Leibovici, Assistant Attorney General
THE STATE OF MARYLAND
200 St. Paul Pl., 16th Fl.
Baltimore, MD 21202

Scott Harshbarger, Attorney General
Edgar Dworsky, Assistant Attorney General
1 Ashburton Place
Boston, MA 02108

Frank J. Kelley, Attorney General
Frederick H. Hoffecker, Assistant
Attorney General
THE STATE OF MICHIGAN
Consumer Protection Division
P.O. Box 30213
Lansing, MI 48909

Hubert H. Humphrey, III, Attorney General
Roberta J. Cordano, Special Assistant
Attorney General
THE STATE OF MINNESOTA
Suite 1400 NCL Tower
445 Minnesota Street
St. Paul, MN 55155

William L. Webster, Attorney General
Nancy Appelquist Allen, Assistant
Attorney General
THE STATE OF MISSOURI
149 Park Central Square #1017
Springfield, MO 65806

Frankie Sue Del Papa, Attorney General
Colette L. Rausch, Deputy Attorney General
THE STATE OF NEVADA
401 South Third Street, #500
Las Vegas, NV 89101

John P. Arnold, Attorney General
Charles T. Putnam, Senior Assistant
Attorney General
THE STATE OF NEW HAMPSHIRE
25 Capitol Street
Concord, NH 03301-6397

Robert Del Tufo, Attorney General
and Chairman of the Subcommittee
Sarah E. Fitzpatrick, Deputy
Attorney General
STATE OF NEW JERSEY AND
NAAG 900 NUMBER SUBCOMMITTEE,
CONSUMER PROTECTION COMMITTEE
Richard Hughes Justice Complex
CB-080, 8th Floor
Trenton, NJ 07625

Tom Udall, Attorney General
Roberta D. Joe, Assistant Attorney General
Bataan Memorial Building
THE STATE OF NEW MEXICO
P.O. Drawer 1508
Santa Fe, NM 87504

Lacy H. Thornburg, Attorney General
L. Darlene Graham, Assistant
Attorney General
THE STATE OF NORTH CAROLINA
P.O. Box 629
Raleigh, NC 27602

Nicholas J. Spaeth, Attorney General
David W. Huey, Assistant Attorney General
THE STATE OF NORTH DAKOTA
600 East Boulevard Avenue
Bismarck, ND 58505

Charles S. Crookham, Attorney General
Tim Wood, Attorney-in-Charge
THE STATE OF OREGON
100 Justice Building
Salem, OR 97310

Ernest D. Preate, Jr., Attorney General
Daniel Clearfield, Executive Deputy
Attorney General
COMMONWEALTH OF PENNSYLVANIA
Public Protection Division
14th Floor, Strawberry Sq.
Harrisburg, PA 17120

Attachment A

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Page -4-

James E. O'Neil, Attorney General
Robert Botvin, Assistant Attorney General
THE STATE OF RHODE ISLAND
72 Pine Street
Providence, RI 02903

Mark W. Barnett, Attorney General
Jeffrey P. Hallem, Assistant Attorney General
THE STATE OF SOUTH DAKOTA
500 East Capitol
Pierre, SD 57501-5070

Charles W. Burson, Attorney General
Cynthia Carter, Assistant Attorney General
STATE OF TENNESSEE
450 James Robertson Parkway
Nashville, TN 37243-0485

Dan Morales, Attorney General
Craig Jordan, Assistant Attorney General
THE STATE OF TEXAS
714 Jackson Street,
Suite 700
Dallas, TX 75202-4506

Jeffrey L. Amestoy, Attorney General
Julie Brill, Assistant Attorney General
THE STATE OF VERMONT
Pavilion Office Building
Montpelier, VT 05602

Mary Sue Terry, Attorney General
Frank Seales, Jr., Senior
Assistant Attorney General
THE COMMONWEALTH OF VIRGINIA
101 North 8th Street
Richmond, VA 23219

Kenneth O. Eikenberry, Attorney General
David M. Horn, Assistant Attorney General
THE STATE OF WASHINGTON
900 4th Avenue, Suite 2000
Seattle, WA 98164-1012

James E. Doyle, Attorney General
David J. Giles, Assistant
Attorney General
THE STATE OF WISCONSIN
P.O. Box 7856
Madison, WI 53707-7856

Joseph B. Meyer, Attorney General
Mark T. Moran, Assistant Attorney General
THE STATE OF WYOMING
123 Capitol Building
Cheyenne, WY 82002

Francine J. Berry
Mark C. Rosenblum
Albert M. Lewis
Room 3244J1
295 North Maple Avenue
Basking Ridge, NJ 07920-1002
Attorneys for American Telephone
and Telegraph Company

Martin T. McCue
Vice President and
General Counsel
U.S. Telephone Association
900 19th Street, N.W.
Suite 800
Washington, DC 20006-2105

Philip F. McClelland
Assistant Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120
For: Pennsylvania Office of
Consumer Advocate and
The National Association
of State Utility Consumer
Advocates

Attachment A

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Leon M. Kestenbaum
Michael B. Fingerhut
1850 M Street, N.W.
11th Floor
Washington, DC 20036
Attorneys for Sprint
Communications Company, L.P.

Walter Steimel, Jr., Esq.
Fish & Richardson
601 13th Street, N.W.
5th Floor North
Washington, DC 20005
Attorneys for
Pilgrim Telephone, Inc.

Eugene G. Hanes
Advisory Staff
Gary Tomlin
Director of Telecommunications
Alabama Public Service Commission
P.O. Box 991
Montgomery, AL 36101-0991

Durward D. Dupre
Richard C. Hartgrove
John Paul Walter, Jr.
1010 Pine Street, Room 2114
St. Louis, MO 63101
Attorneys for Southwestern
Bell Telephone Company

Ken McEldowney
Executive Director
Consumer Action
116 New Montgomery Street
Suite 233
San Francisco, CA 94105

Kevin Murphy
President
VRS Billing Systems
122 Saratoga Avenue
Santa Clara, CA 95051

Danny E. Adams
Rachel J. Rothstein
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, DC 20006
Of Counsel:
VRS Billing Systems

Glenn B. Manishin
Blumenfeld & Cohen
1615 M Street, N.W.
Suite 700
Washington, DC 20036
Attorney for VoiceLink, Inc.
Attorney for Amalgamated MegaCorp

D. Billye Sanders
Assistant General Counsel
Tennessee Public Service Commission
460 James Robertson Parkway
Nashville, TN 37243-0505

Werner K. Hartenberger
J.G. Harrington
Steven F. Morris
Dow, Lohnes & Albertson
1255 23rd Street, N.W.
Suite 500
Washington, D.C. 20037

Attachment A

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Page -6-

**Steven J. Metalitz
Vice President and General Counsel
Angela Burnett
Assistant General Counsel
Information Industry Association
555 New Jersey Avenue, N.W.
Suite 800
Washington, D.C. 20001**

**Robert J. Butler
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006**

**Jay C. Keithley
Vice President
Law and External Affairs
1850 M Street, N.W.
11th Floor
Washington, D.C. 20036**

**Michael S. Pabian
200 West Ameritech Center Drive
Room 4H76
Hoffman Estates, IL 60196-1025
Attorney for the Ameritech
Operating Companies**

**Albert H. Kramer
Robert F. Aldrich
Douglas E. Rosenfeld
KECK, MAHIN & CATE
1201 New York Avenue, N.W.
Penthouse Suite
Washington, D.C. 20005-3919
Attorneys for the American Public
Communications Council**

**National Association of Consumer Agency
Administrators
1010 Vermont Avenue, N.W.
Suite 514
Washington, D.C. 20005**

**James E. Taylor
Richard C. Hartgrove
John Paul Walters, Jr.
One Bell Center, Room 3520
St. Louis, MO 63101
Attorneys for Southwestern Bell Telephone
Company**

**William J. Cowan
General Counsel
New York State Department of
Public Service
Three Empire State Plaza
Albany, NY 12223**

**William B. Barfield
Richard M. Sbaratta
Helen A. Shockey
BellSouth Telecommunications, Inc.
4300 Southern Bell Center
675 West Peachtree Street, N.E.
Atlanta, GA 30375**

**John M. Goodman
1710 H Street, N.W.
Washington, D.C. 20006
Attorney for the Bell Atlantic
Telephone Companies**

**Ward W. Wueste, Jr., HQE03J43
Richard McKenna, HQE03J36
GTE Service Corporation
P.O. Box 152092
Irving, TX 75015-2092**

Attachment A

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Page -7-

Gail L. Polivy
1850 M Street, N.W.
Suite 1200
Washington, D.C. 20036
Attorney for GTE Corporation

R.E. Sigmon
Vice President - Regulatory Affairs
Cincinnati Bell Telephone
201 E. Fourth Street, 102-320
Cincinnati, OH 45201

James P. Tuthill
Nancy K. McMahon
Pacific Bell
2600 Camino Ramon
Room 2W852
San Ramon, CA 94583

Alan F. Ciamporcerio
1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Attorneys for Pacific Bell

Paul Rodgers
General Counsel
Charles D. Gray
Assistant General Counsel
James Bradford Ramsay
Deputy Assistant General Counsel
National Association of Regulatory
Utility Commissioners
1102 ICC Building
Post Office Box 684
Washington, D.C. 20044

Peter Arth, Jr.
Edward W. O'Neill
Timothy E. Treacy
Attorneys for the People of the State of
California and the Public Utilities
Commission of the State of California
505 Van Ness Avenue
San Francisco, CA 94102

Rochelle D. Jones
Director - Regulatory
The Southern New England Telephone
227 Church Street
New Haven, CT 06510

John W. Hunter
Madison Office Building, Suite 400
1155 Fifteenth Street, N.W.
Washington, D.C. 20005
Attorney for The South Carolina Telephone
Coalition

William W. Burrington, Esq.
Executive Director and General Counsel
The National Association for Information
Services
Suite 600
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036-2603

Edwin N. Lavergne, Esq.
Rodney L. Joyce, Esq.
Jay S. Newman, Esq.
Ginsburg, Feldman and Bress Chartered
Suite 800
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036-2603

Attachment A

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Lee A. Marc
Summit Telecommunications Corp.
1640 South Sepulveda Blvd., Suite 207
Los Angeles, CA 90025

Joel R. Dichter
Jane B. Jacobs
Seham, Klein and Zelman
485 Madison Avenue
New York, NY 10022
Attorneys for Association
of Information Providers of
New York, Info Access, Inc.
and American Telnet, Inc.

Peter J. Brennan
Director of Development
Tele-Publishing, Inc.
126 Brookline Avenue
Boston, MA 02215

John F. Sturm
Senior Vice President
Government, Legal and Public Policy
Newspaper Association of America
National Press Building
529 14th Street, N.W., Suite 440
Washington, D.C. 20045-1402